

## **REMARKS**

Claims 20-22, 24-35 are pending in the application.

## **NEW MATTER**

Examiner has objected to the language “stamped gap” as presenting new matter. The examiners states that the concept of a stamped gap was not present in the specification as filed and does not flow from the drawings.

Applicant disagrees. The specification sets forth that the stamped pattern is similar to a perforation (page 2, line 19). The drawings show openings 5 through which positioning pins are to be inserted. The openings 5 thus have a certain physical diameter and this diameter is smaller than the spacing between the individual elements separated by the dividing lines 3/4. Thus, the spacing between the individual elements has a physical width constituting a gap. Moreover, there are webs bridging the spacing between the individual elements separated by the dividing lines. Webs cannot be present if there is no gap. The webs, their width and their relative arrangement are clearly illustrated so that it is clearly apparent that the “dividing lines” are gaps between the individual elements. Examiner himself states that “the fact that there are webs means that the stamped gap does not have a continuous width” (page 3, lines 5 and 6 from the bottom), i.e., the examiner acknowledges that the webs bridge and interrupt a gap or spacing or a physical separation between the individual elements. As the dividing line 3 or 4 as shown in the drawings clearly represents a gap between the fields and the dividing line(s) have been claimed from the outset, the application has set forth from the start that the dividing line or stamped gap (there is no question that the dividing line is produced by stamping) is properly disclosed and has been from the start a required limitation of the invention.

Even though applicants are of the opinion that the “stamped gap” is clearly disclosed in the application as filed, the wording has been removed from the claims without prejudice in order to advance prosecution.

## **Claim Rejections - 35 U.S.C. 112**

**Claims 20-22 and 24-33 stand rejected under 35 U.S.C. 112, 1st paragraph.**

The wording “stamped gap” and the wording “continuous width” have been eliminated from the claims without prejudice.

Claim 28 has been corrected.

In regard to claim 25 and 29, the examiner objects to the “second direction” as not finding support in the original specification. It is respectfully submitted that the drawings and the specification set forth X, Y and Z directions. Thus, there are at least three directions and therefore a first; second; and third direction. There is no requirement that the claims use the exact same wording as the specification; see MPEP 2163.02 Standard for Determining Compliance With the Written Description Requirement; third paragraph, 1st sentence:

“ The subject matter of the claim need not be described literally (i.e., using the same terms or *in haec verba*) in order for the disclosure to satisfy the description requirement.”.

**Claims 20-33 stand rejected under 35 U.S.C. 112, 2nd paragraph.**

The wording “stamped gap” and the wording “continuous width” have been eliminated from the claims without prejudice.

In regard to claims 24 and 27 as well as 25 and 29, examiner objects to the wording “several of the at least one”. It is respectfully submitted that this is not contradictory. The wording states “**at least one**” and therefore is not limited to one and only one. Also, the wording is no different from claiming “a thing” and in a dependent claim claiming “several of said thing”, which is standard practice.

Please note that in US 7,407,460 (claim 5); US 7,441,304 (claim 3); US 7,318, 631 (claim 23); US 7,361,450 (claim 6); US 7,300,484 (claim 6) the claim language sets forth exactly the language objected to by the examiner. For example (emphasis added):

*5. The planetary gearbox according to claim 4, wherein **several of the at least one** radial nose are provided and are spaced from one another at a rotary angle spacing that is matched to a pitch of the sun wheel toothing. **US 7,407,460***

*3. A vacuum arrangement comprising: a vacuum pipe having a vacuum opening facing a ground surface .....; wherein **several of said at least one** blower nozzle are provided; wherein relative to said working area two of said several blower nozzles, respectively, are positioned approximately opposed to one another to form a pair. **US 7,441,304***

Reconsideration and withdrawal of the rejection of the claims under 35 USC 112 are respectfully requested.

### **Rejection under 35 U.S.C. 103**

Claims 20, 21, 24, 26-28, 30, 32 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Graway et al.* (US 5,055,734) and *Mitarai et al.* (US 2002/0053860).

Claims 22 and 31 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Graway et al.* and *Mitarai et al.* and *Bechtel et al.* (US 6,402,328).

Claim 33 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Graway et al.* and *Mitarai et al.* and *Abbott* (US 4,499,566).

Claim 20 as amended now defines a stacked film arrangement comprising at least two stamped films, wherein the at least two stamped films each have a stamped perforation pattern (see page 2, lines 18-19, of the specification; see drawings) defining at least one dividing line and predetermining the edges of cut for future separation into individual elements (page 2, lines 19-20, and page 5, last line, of the specification), wherein the at least one dividing line is interrupted in a regular pattern by webs wherein the webs each have a width that is, on average, less than an average spacing between two adjacently positioned ones of the webs, respectively, wherein the at least two stamped films are placed flat on top one another without being folded (see Fig. 3; see specification, page 3, line 5; page 5, lines 22-23) and are superimposed in a staggered arrangement relative to one another such that the webs of a first one of the at least two stamped films and the webs of a second one of the at least two stamped films are not superimposed.

Claim 27 has been amended similarly by the features in regard to stamped perforation pattern comprising at least one dividing line and predetermining the edges of cut for future separation.

The features of new claims 34 and 35 are disclosed on page 2, lines 20-21.

Examiner interprets *Graway et al.* such that the dividing line extends between the parts 102 and 106 and is interrupted by webs 104. The reference to *Mitarai et al.* is applied by examiner to show that square electrodes are known so that the round electrodes of 106 of *Graway et al.* can be made square.

However, the reference to *Graway et al.* teaches a single-piece multiple electrode 100 for a piezoelectric solid state motor stack. The electrode 100 comprises disks 106 as electrodes connected by tabs 104 to the spine member 102. The spine member 102 is the conductor for electrical potential. Two such electrodes 100 are combined with piezoelectric

disks as shown in Fig. 2. The electric/ceramic disk stack 200 of Fig. 2 includes two folded single-piece multiple electrode conductors 202, 202' (as the one of Fig. 1) with disk portions 204, 204' and tab portions 206, 206' as well as spine members 208, 208' folded accordion-style. Ceramic disks 212 are interleaved with the two folded single-piece multiple electrode conductors 204, 204'. The two conductors 202, 202' are connected to electrical potential by means of the spine members 208, 208'. The spine member and the tabs are vital parts of the single-piece multiple electrode as taught by *Graway et al.*

*Graway et al.*, modified to have square electrodes as taught by *Mitarai et al.*, cannot teach that the dividing line through the tabs 104 predetermines the edges of cut for future separation into individual elements. The tabs 104 are vital for the electrodes 106 as these tabs 104 provide the necessary conductors to the spine member connected to electrical potential. A separation into individual elements is never considered and contrary to the spirit of the single-piece multiple electrode for a piezoelectric stack.

*Graway et al.*, modified to have square electrodes as taught by *Mitarai et al.*, cannot suggest that the at least two stamped films are stacked flat on top one another to form a stacked film arrangement without the films being folded. The single-piece multiple electrodes of *Graway et al.* are disclosed in a stack arrangement of an interlaced folded stack and the electrodes, because of their construction with the spine member and the connecting tabs, can only be used in this folded stack form. Cutting the tabs along the dividing line makes the electrodes useless in the piezostack. *Graway et al.* cannot teach or suggest that the single-piece multiple electrodes be stacked without being folded and that the dividing lines predetermine the edges of cut for future separation.

*Graway et al.*, modified to have square electrodes as taught by *Mitarai et al.*, cannot make obvious the invention as claimed in claim 20 and claim 27.

Claims 20, 21, 24-30, 32 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Mitarai et al.* (US 2002/0053860) and *Swanson et al.* (US 5,155,409).

Claims 22 and 31 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Mitarai et al.* (US 2002/0053860) and *Swanson et al.* (US 5,155,409) and further in view of *Bechtel et al.* (US 6,402,328).

Claim 33 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Mitarai*

*et al.* (US 2002/0053860) and *Swanson et al.* (US 5,155,409) and further in view of *Abbott* (US 4,499,566).

*Mitarai et al.* is cited by the examiner as showing that square electrodes are known. The reference to *Swanson et al.* is cited to show a piezoelectric actuator arrangement with first and second single-piece conductors much like *Graway et al.* *Swanson et al.* shows in Fig. 1B the same type of stack as *Graway et al.* with folded electrodes and interlaced piezoelectric disks 126A-G. The connecting portions 110 are again an essential part of the single-piece multi-electrode structure and cannot be separated without destroying the function of the single-piece multi-electrode structure.

The modified structure of *Mitarai et al.* - *Swanson et al.* with square electrodes as taught by *Mitarai et al.*, cannot teach that the dividing lines through the connecting parts 110 predetermine the edges of cut for future separation into individual elements. The tabs 110 are vital for the electrodes as these connecting parts provide the necessary conductors between the individual electrodes in the stack.

*Mitarai et al.*, modified by *Swanson et al.* cannot suggest that the at least two stamped films are stacked flat on top one another to form a stacked film arrangement without the films being folded. The single-piece multiple electrode of *Swanson et al.* is disclosed in the form of an interlaced folded stack and the electrodes because of their construction with the connecting parts 110 can only be used in this folded stack form. Cutting the connecting parts 110 along the dividing line makes the electrodes useless. *Swanson et al.* cannot teach or suggest that the single-piece multiple electrodes be stacked without being folded and that the dividing lines predetermine the edges of cut for future separation.

In summarizing the above, the prior art devices relate to stacks with folded and interlaced electrodes. The present invention as claimed in claim 20 relates to a stacked film arrangement where the films are stacked flat without being folded. None of the cited references discloses that the dividing lines are cutting lines or edges of cut for the future separation into individual elements. The present invention as claimed in claims 20 and 27 relates to a stacked film arrangement or a stamped film where the stamped perforation pattern defines cutting lines or edges of cut for the future separation into individual elements.

Reconsideration and withdrawal of the rejection of the claims under 35 USC 103 are respectfully requested.

### **CONCLUSION**

In view of the foregoing, it is submitted that this application is now in condition for allowance and such allowance is respectfully solicited.

Should the Examiner have any further objections or suggestions, the undersigned would appreciate a phone call or **e-mail** from the examiner to discuss appropriate amendments to place the application into condition for allowance.

Authorization is herewith given to charge any fees or any shortages in any fees required during prosecution of this application and not paid by other means to Patent and Trademark Office deposit account 50-1199.

Respectfully submitted on May 18, 2009,

/Gudrun E. Hockett/

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